

REMARKS

Upon entry of the present amendment, the limitations of claim 19 will have been incorporated into independent claim 16 while the limitations of claim 27 will have been incorporated into independent claim 24. Accordingly, at least in accordance with the Examiner's indication, all the claims in the present application are now in condition for allowance. An action to such effect is respectfully requested, in due course.

Initially, Applicants note that they have incorporated the recitation of two of the objected to claims into their respective independent claims merely in order to expedite the allowance of the present application. However, by such action, Applicants are explicitly not indicating their acquiescence in the propriety of the Examiner's rejection asserted against the independent claims. This action has been taken merely in order to expedite the allowance of the present application in view of the allowability or the indication of the presence of allowable subject matter in a number of claims pending herein.

Additionally, Applicants expressly reserve the right to file a continuation application directed to at least the subject matter of the previously pending (i.e., unamended) independent claims.

In the outstanding Official Action, the Examiner indicated that claims 21, 22, and 29-31 contain allowable subject matter. In addition, the Examiner set forth a Statement of Reasons for the Indication of Allowable Subject Matter. In this regard, while Applicants do not disagree with any of the features enumerated by the Examiner in his Statement of Reasons, Applicants additionally wish to set forth that each of the claims in the present application recites a particular combination of features and that the patentability of each claim is thus accordingly based upon the totality of the particular features, in combination, as recited therein. Accordingly, the reasons

for the indication of allowable subject matter should not be based merely on those features enumerated by the Examiner in the Statement of Reasons for the Indication Allowable Matter Subject.

Moreover, Applicants note the Examiner's reference, in the Statement of Reasons, to the specification. However, Applicants submit that the scope of a patent is defined by the combination of features recited in the claims, not by the total disclosure of the specification thereof, which may describe particular and limited embodiments of the overall invention. Accordingly, and as noted above, the reasons for the allowability of the claimed subject matter is based on the totality of the recitations of each of the claims pending herein.

In the outstanding Official Action, the Examiner indicated that claims 19, 20, 27 and 28, are objected to for being dependent on a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten into independent form, including all the limitations of the base claim and any intervening claims.

By the present response, Applicants have rewritten claims 19 and 27 into independent form by incorporating the recitations thereof into the respective independent claims. In this regard, Applicants submit that the amended independent claims are allowable at least for the reasons supporting the Examiner's indication of allowable subject matter.

In the outstanding Official Action, the Examiner rejected claim 16, 18, 24, 26, 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over KUWABARA et al. (U.S. Patent No. 7,099,265) in view of FUKE et al., (U.S. Patent No. 6,785,248).

Applicants do not in any manner acquiesce in the propriety of the above-noted rejection. Applicants respectfully submit that the above-noted rejection is inappropriate and improper and that the combination of features recited in each of applicant's independent claims

patentably distinguishes over the combined disclosures of KUWABARA et al., and FUKE et al. Nevertheless, and merely in order to expedite the allowance of the present application, as noted above, Applicants have amended the present application to eliminate these claims by incorporating the limitations of the indicated to be allowable claims therein.

Accordingly, Applicants have clearly placed the present application in condition of allowance and respectfully request an indication to such effect, in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have rewritten the subject matter of an objected to dependent claim, which was indicated to contain allowable subject matter, into each of the rejected independent claims. Accordingly, Applicants have rendered moot the Examiner's sole prior art rejection and have clearly placed the present application in condition for allowance, at least in accordance with the reasons set forth by the Examiner.

Applicants have additionally responded to the Examiner's Statement Reasons for Indication of Allowable Subject Matter and have clarified the basis for the patentability of the claims in the present application.

Accordingly, an action indicating the allowability of all the claims pending in the present application is respectfully requested in due course. Such action is now believed to be appropriate and proper and is thus respectfully requested.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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February 20, 2009
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